



24024

PATENT TRADEMARK OFFICE

CERTIFICATE OF TRANSMISSION

I hereby certify that this document is being transmitted via First Class Mail to the Commissioner of Patents, Washington, DC 20231, on this 26<sup>th</sup> day of December, 2002.

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	Warner et al.	Group Art Unit:	3682
Serial No.	09/752,136	Examiner:	
Filed:	December 27, 2000	Docket No.	12052/04000

Title: VARIABLE SPEED DRIVE SYSTEM

## TRANSMITTAL OF RESPONSE AND AMENDMENT

FAX RECEIVED

OCT 06 2003

Commissioner of Patents  
Washington, D.C. 20231

PETITIONS OFFICE

Sir/Madam:

Following documents, enclosed herewith, are submitted in response to the Office Action dated September 25, 2002:

- (1) Response and Amendment (9 pages);
- (2) Marked Specifications and Claims (3 pages);
- (3) Drawings (2 pages);
- (4) Fee Transmittal (1 page); and
- (5) A return receipt postcard.

Additional fees are due for three new dependent claims (small entity rate) in connection with this amendment. The Examiner is authorized to charge deposit account 03-0172 for these fees. In the event that any additional extension is required, please treat this Transmittal Letter as a request for such additional extension.

Respectfully submitted,

James A. Balazs, Reg. No. 47,401  
CALFEE, HALTER & GRISWOLD  
800 Superior Avenue, Suite 1400  
Cleveland, Ohio 44114-2688  
(216) 622-8527

This document is being deposited with the United States Postal Service with sufficient postage via First Class Mail addressed to Assistant Commissioner of Patents, Washington, D.C. 20231, on this 31<sup>st</sup> day of December, 2002. With a certificate of mailing.

In re application of Warner et al.  
Serial No.: 09/752,136  
Filed: December 27, 2000  
CH&G Ref.: 12052/04000 (JAB:jk)



Please acknowledge receipt of the following:

- Transmittal in duplicate (1 page)
- Amendment (14 pages)
- Fee Transmittal (1 page)
- Return Receipt Postcard

DOCKETED  
JAN 07 2003  
L.A.K. IP. Dept. RECEIVED  
JAN 06 2003  
L.A.K. IP. Dept.



CALFEE HALTER & GRISWOLD LLP  
1400 McDonald Investment Center  
800 Superior Avenue  
Cleveland, Ohio 44114-2688

44114-2688

2400017 (10-01)

Approved for use through 10/31/2002 GMB-0651-0022

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT (\$0.00)

Complete if Known

Application Number

09/752,136

Filing Date

December 27, 2000

First Named Inventor

Warner

Examiner Name

Group Art Unit

3682

Attorney Docket No.

12052/0a000

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OCT 06 2003

PETITIONS OFFICE

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																																																				
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number <span style="border: 1px solid black; padding: 2px;">03-0172</span>  Deposit Account Name <span style="border: 1px solid black; padding: 2px;"></span> <input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27				3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Fee Code</th> <th style="text-align: center;">Large Entity Fee (\$)</th> <th style="text-align: center;">Small Entity Fee (\$)</th> <th style="text-align: right;">Per Description</th> <th style="text-align: right;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td style="text-align: center;">130</td><td style="text-align: center;">205</td><td style="text-align: right;">Surcharge - late filing fee or surcharge</td><td></td></tr> <tr><td>127</td><td style="text-align: center;">50</td><td style="text-align: center;">227</td><td style="text-align: right;">Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td style="text-align: center;">130</td><td style="text-align: center;">139</td><td style="text-align: right;">Non-English specification</td><td></td></tr> <tr><td>147</td><td style="text-align: center;">2,520</td><td style="text-align: center;">147</td><td style="text-align: right;">For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>112</td><td style="text-align: center;">920*</td><td style="text-align: center;">112</td><td style="text-align: right;">Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td style="text-align: center;">1,840*</td><td style="text-align: center;">113</td><td style="text-align: right;">Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td style="text-align: center;">110</td><td style="text-align: center;">215</td><td style="text-align: right;">Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td style="text-align: center;">400</td><td style="text-align: center;">216</td><td style="text-align: right;">Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td style="text-align: center;">920</td><td style="text-align: center;">217</td><td style="text-align: right;">Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td style="text-align: center;">1,440</td><td style="text-align: center;">218</td><td style="text-align: right;">Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td style="text-align: center;">1,960</td><td style="text-align: center;">228</td><td style="text-align: right;">Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td style="text-align: center;">320</td><td style="text-align: center;">219</td><td style="text-align: right;">Notice of Appeal</td><td></td></tr> <tr><td>129</td><td style="text-align: center;">320</td><td style="text-align: center;">220</td><td style="text-align: right;">Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td style="text-align: center;">280</td><td style="text-align: center;">221</td><td style="text-align: right;">Request for oral hearing</td><td></td></tr> <tr><td>138</td><td style="text-align: center;">1,510</td><td style="text-align: center;">138</td><td style="text-align: right;">Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td style="text-align: center;">110</td><td style="text-align: center;">260</td><td style="text-align: right;">Petition to revive - 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SUBMITTED BY		Complete if applicable		
Name (Print/Type)	James A. Balazs	Registration No. (Attorney/Agent)	47,401	Telephone (216) 622-8200
Signature	<i>James A. Balazs</i>			Date 12/26/02

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on FTO-203B.

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document is being transmitted  
via Facsimile to the Office of Petitions,  
Fax No. (703) 308-6916, on this 6th day  
of October, 2003.

Printed Name Joyce FORD  
Signed: Joyce FORD

**OFFICIAL**  
**FAX RECEIVED**

OCT 10 2003

**GROUP 3600****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Warner et al.	) Examiner: Marcus Charles
	)
	) Art Unit: 3682
Serial No.: 09/752,136	)
	)
Filed: December 27, 2000	)
	)
For: <b>VARIABLE SPEED DRIVE</b>	) Attorney Docket: 12052/04000
<b>SYSTEM</b>	)

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**PETITIONS OFFICE**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION FOR WITHDRAWAL OF ABANDONMENT - PTO HAS NO  
EVIDENCE THAT MAILED CORRESPONDENCE RECEIVED****REQUEST**

Applicant requests that the abandonment in this case be withdrawn. Applicant has attached a request and the documents to support the request, the request and documents being previously filed by U.S. mail on July 10, 2003. The documents include:

- 1) A copy of PAIR summary sheet showing entry (7/14/03) of Withdrawal

Request submitted by U.S. mail.

2) A copy of the page of the response mailed on December 26, 2002, showing a Certificate of Mailing executed on December 26, 2002.

3) A copy of the post card identifying the papers filed and showing the U.S. PTO receipt stamp dated December 31, 2002.

4) A copy of the complete response previously filed.

#### STATEMENT

Based on personal knowledge the Transmittal and Amendment (copies of which are attached) were transmitted by first class mail on December 26, 2002 and retransmitted on June 30, 2003 as part of a Request for Withdrawal of Abandonment. These mailings were timely responses to the Examiner's Office Action dated December 31, 2002 and Notice of Abandonment dated July 29, 2003. Please proceed with further examination of this application on the basis of the attached copy of the papers originally filed.

#### REQUEST FOR WITHDRAWAL OF ABANDONMENT

Acknowledgement of the active status of this application is respectfully requested. It is believed that no further fee is required relating to the filing of this Response. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172.

 10/6/03  
James A. Balazs (Reg. No. 47,401)

Customer No. 24024



## UNITED STATES PATENT AND TRADEMARK OFFICE

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PAIR

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Class/Subclass GAU Information

Information Contacts

Search results for application number: 09/752,136			
Application Number:	09/752,136	Customer Number:	24024
Filing or 371(c) Date:	12-27-2000	Status:	Abandoned -- Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	06-30-2003
Examiner Name:	CHARLES, MARCUS	Location:	TC 3600 PARALEGAL, PK5-8A03, 703-605-4328
Group Art Unit:	3682	Location Date:	10-03-2003
Confirmation Number:	5439	Earliest Publication No:	US 2001-0049312 A1
Attorney Docket Number:	12052-04000	Earliest Publication Date:	12-06-2001
Class/ Sub-Class:	474/018	Patent Number:	-
First Named Inventor:	Steven Warner, Kent, OH	Issue Date of Patent:	-
Title Of Invention:	Variable speed drive system		

Foreign Priority

Continuity Data

## File Contents History

Number	Date	Contents Description
19	07-14-2003	Petition Entered
18	06-30-2003	Mail Abandonment for Failure to Respond to Office Action
17	06-30-2003	Abandonment for Failure to Respond to Office Action
16	09-25-2002	Mail Non-Final Rejection
15	09-23-2002	Non-Final Rejection
14	07-17-2002	Date Forwarded to Examiner
13	07-11-2002	Response to Election / Restriction Filed
12	06-04-2002	Mail Restriction Requirement
11	06-03-2002	Requirement for Restriction / Election
10	06-15-2001	Information Disclosure Statement (IDS) Filed
9	03-18-2002	Information Disclosure Statement (IDS) Filed
8	06-15-2001	Information Disclosure Statement (IDS) Filed
7	06-18-2001	Case Docketed to Examiner in GAU
6	06-07-2001	Application Dispatched from OIPE
5	02-09-2001	Application Is Now Complete
4	02-09-2001	Incomplete Application under Rule 53(b) - Filing Date Assigned
3	02-09-2001	Correspondence Address Change
2	01-16-2001	IFW Scan & PACR Auto Security Review
1	12-27-2000	Initial Exam Team nn

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Deposited with the United States Postal Service with sufficient postage via First Class mail, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 10/07 day of July, 2003, with a certificate of mailing.

Re: Patent application for Warner et al. (Speed Selector Corp.)

Title: **VARIABLE SPEED DRIVE SYSTEM**

CHG Ref.: 12052/04000

Please acknowledge receipt of:

- Information for Withdrawal of Abandonment-PTO Has No Evidence that Mailed Correspondence Received (2 pgs in duplicate)
- Copy of Response and Amendment with Transmittal (10 pgs.)  
Copy of Drawings (2 pgs) Copy of Fee Transmittal (1 pg.)
- Copy of return receipt postcard, front and back
- Return receipt postcard

JAB/jef

(JF3004.DOC;1)

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CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the U.S. Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on this 10th day of July, 2002.

Typed or Printed name of person signing this certificate:

Joyce Ford

Signature Joyce Ford

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Warner et al.

) Examiner: Marcus Charles

)

) Art Unit: 3682

Serial No.: 09/752,136

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Filed: December 27, 2000

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For: **VARIABLE SPEED DRIVE  
SYSTEM**

) Attorney Docket: 12052/04000

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Assistant Commissioner for Patents  
Washington, D.C. 20231

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**INFORMATION FOR WITHDRAWAL OF ABANDONMENT - PTO HAS NO  
EVIDENCE THAT MAILED CORRESPONDENCE RECEIVED****REQUEST**

Applicant requests that the abandonment in this case be withdrawn.

**PROMPTNESS OF THIS SUBMISSION**

This information is being submitted promptly after applicant has learned of the abandonment on the basis of: the Notice of Abandonment mailed by the PTO on June 30, 2003.

**SUBMISSION**

Submitted herewith is:

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Tel. No. 216-622-8527

Cust. No.



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PATENT TRADEMARK OFFICE

James A. Balazs

800 Superior Ave. Suite 1400

Cleveland, Ohio 44114



## CALFEE, HALTER &amp; GRISWOLD LLP

October 6, 2003

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